UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Esmerelda PICAZO, Manuel ZAMORA-Flores, Alberto LOPEZ-Martinez,** Defendant(s).	Magistrate Case No. '08 MJ 1391 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) and (v)(II) - Transportation of Illegal Aliens and Aiding and Abetting

The undersigned complainant, being duly sworn, states:

On or about **April 30, 2008,** within the Southern District of California, defendant **Esmerelda PICAZO, Manuel ZAMORA-Flores, Alberto LOPEZ-Martinez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Marco Antonio VIEIRA-Portugal, Yunuen QUEZADA-Flores,** and **Edilberto SANTANA-Bahena** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v) (II).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2nd** DAY OF **MAY 2008**

NITA L. STORMES
United States Magistrate Judge

CONTINUATION OF COMPLAINT:
Esmerelda PICAZO,
Manuel ZAMORA-Flores,
Alberto LOPEZ-Martinez

MLP

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Marco Antonio VIEIRA-Portugal, Yunuen QUEZADA-Flores, and Edilberto SANTANA-Bahena** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 30, 2008, Senior Patrol Agent C. Bush, currently assigned to the San Diego Sector Smuggling Interdiction Group (SIG), was working near Pine Valley, California. This area is located in a remote mountainous region approximately 8 miles east of the Tecate, California Port of Entry and 12 miles north of the United States-Mexico International Border.

At approximately 8:15 p.m., Agent Bush observed a maroon Lincoln Navigator exit the eastbound lanes of Interstate 8 at Pine Valley Road Exit and immediately re-enter onto the westbound lanes of the Interstate. Agent Bush, in his unmarked Agency vehicle, initiated surveillance on the vehicle as it traveled westbound on Interstate 8. Agent Bush then observed the vehicle exit the Interstate at Highway 79 and immediately re-enter Interstate 8 back eastbound. The Lincoln Navigator again exited Interstate 8 at the Pine Valley Road Exit and re-entered westbound Interstate 8. Agent Bush observed the Navigator pull over to the side of the Interstate at the Corte Madera Road Bridge behind a gray Dodge pickup truck registered to the last name of PICAZO, from Chula Vista, California. Agent Bush then observed a male exit the Navigator and enter the gray pickup truck.

Agent Bush, believing that a smuggling scheme was in progress, notified other Agents, who in turn positioned themselves on the Interstate, west of Agent Bush's position. Agent Bush passed both vehicles and continued westbound Interstate 8. Agent Bush exited the freeway and went back eastbound on Interstate 8 and exited at the Pine Valley Road Exit, then re-entered Interstate 8 westbound with the intention of maintaining surveillance on both the Lincoln Navigator and Dodge Ram. Agent Bush no longer observed the two vehicles that were previously parked at the bridge but found them parked together on the shoulder of the westbound lanes of Interstate 8, near the east end of the Pine Valley Creek Bridge with their hazard flashers activated. Agent Bush continued westbound on Interstate 8 and positioned his vehicle at near Highway 79. Approximately five minutes later, Border Patrol Agent F. Rivera observed the vehicles traveling together on westbound Interstate 8. As the vehicles approached East Willows road, the Navigator slowed down and attempted to impede a marked Border Patrol sedan driven by Border Patrol Agent Blanchard from getting behind the pickup truck.

As Agent Blanchard passed the Dodge Ram, he looked inside the cab and was able to visually identify both the driver and passenger. Agents continued surveillance on the Navigator as it continued westbound on Interstate 8. When the Dodge Ram was nearly past the Willows Road Exit, the driver of the Dodge Ram abruptly merged into traffic from the fast lane of the Interstate and exited at Willows Road in a blatant attempt to elude Agent Blanchard's marked Agency sedan as Agent Blanchard passed the Willows Road Exit.

CONTINUATION OF COMPLAINT:
Esmerelda PICAZO,
Manuel ZAMORA-Flores,
Alberto LOPEZ-Martinez

MJP

Agent Bush activated his emergency lights and sirens. The vehicle sped away from Agent Bush and was approximately a quarter mile ahead of him when the driver of the Dodge Ram began passing other vehicles on double yellow lines. The vehicle made a left turn onto Bay Terrace Road, where the vehicle had apparently struck a curb and stopped. Agent Bush observed several individuals exiting the bed of the pickup truck and run. After a short foot chase, Agent Bush was able to apprehend six individuals and Agent Dinise was able to apprehend a single individual later identified as the defendant **Alberto LOPEZ-Martinez**, Agents Bush and Dinise identified themselves as United States Border Patrol Agents and questioned all seven individuals as to their citizenship and nationality. All seven individuals including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States. All seven were arrested and transported to the El Cajon Border Patrol Station in El Cajon, California.

At approximately 8:35 p.m., Agent Blanchard, driving a marked Border Patrol sedan, initiated a vehicle stop on the Lincoln Navigator near the Tavern Road Exit in Alpine, California. The driver, later to be determined as **Esmeralda PICAZO** and the passenger **Manuel ZAMORA-Flores,** were arrested for suspicion of Alien Smuggling and transported to the El Cajon, California Border Patrol Station.

DEFENDANT STATEMENT:
Esmerelda PICAZO

The defendant was advised of her Miranda Rights. She stated she understood her rights and was willing to answer questions without an attorney present. The defendant stated she was a United States Citizen.

On Tuesday, April 30, 2008, the defendant PICAZO initially stated that they were to travel to the Golden Acorn Casino to drop her Aunt off with her cousin. She stated they arrived at the Golden Acorn Casino and dropped her Aunt off at the gas pumps. Agent Bush presented the defendant with his observations of the Navigator meeting with the Dodge truck on Interstate 8 in Pine Valley. PICAZO then stated her husband, ZAMORA, was contacted by smugglers to see if they were willing to assist in a smuggling event in return for $1,000 dollars. They agreed to participate. During the day on Tuesday, April 30, 2008, the smugglers dropped off the gray Dodge Truck at her house. At approximately 7:00 p.m., ZAMORA drove the Dodge Truck east on Interstate 8. The purpose of their trip east on Interstate 8 was to drop the vehicle off in Pine Valley. ZAMORA pulled onto the shoulder of the Interstate near the Corte Madera Bridge, left the keys in the vehicle and then got into the Lincoln Navigator with PICAZO. ZAMORA received a phone call from an unidentified individual that told them they needed to reposition the Dodge to the east side of the Pine Valley Bridge.

CONTINUATION OF COMPLAINT:
Esmerelda PICAZO,
Manuel ZAMORA-Flores,
Alberto LOPEZ-Martinez

MLP

DEFENDANT:
Name: Alberto LOPEZ-Martinez

The defendant was informed of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without an attorney present. Alberto the defendant stated he is a citizen and national of Mexico without the required documentation to legally enter or remain in The United States.

The defendant stated he has had difficulty obtaining stable work as a construction worker and decided to ask friends for possible employment leads. One of these friends was able to arrange a meeting with an alien smuggler in need of help for a smuggling job on Tuesday, April 30. The defendant was informed by the smuggler that his duties consisted of guiding the undocumented aliens in illegally crossing the border. The defendant was told that he would not receive any monetary compensation until the aliens were delivered and fees were collected.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Edilberto SANTANA-Bahena, Yunuen QUEZADA-Velazquez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States and **Marco Antonio VIEIRA-Portugal** admits to being a citizen and national of Peru illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $1,500.00 to $2,000.00 (USD) to be smuggled into the United States. The three Material witnesses were shown a photographic line up and were able to identify defendant Alberto LOPEZ-Martinez, as the man who guided their route through the mountains and into the United States illegally.